

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1290, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 11.
- 3 Page 2, line 22, delete "IC 31-28-5," and insert "**IC 31-28-5.7**".
- 4 Page 2, between lines 33 and 34, begin a new paragraph and insert:
5 "SECTION 3. IC 31-9-2-40, AS AMENDED BY P.L.145-2006,
6 SECTION 190, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2008]: Sec. 40. "Director", for purposes of
8 IC 31-25-1, IC 31-25-2, **IC 31-28-6**, IC 31-33, IC 31-34, and IC 31-37,
9 refers to the director of the department of child services."
- 10 Page 2, line 38, delete "IC 31-28-5" and insert "**IC 31-28-5.7**".
- 11 Page 3, line 2, delete "; or" and insert "**who satisfies the conditions**
12 **set forth in subsection (b);**".
- 13 Page 3, line 4, delete "receiving foster care for" and insert "**placed**
14 **in foster care under the order of a court who satisfies the**
15 **conditions set forth in subsection (b); or**
16 **(3) an individual at least eighteen (18) but less than**
17 **twenty-one (21) years of age who is receiving foster care for**
18 **older youth and who is no longer under the care and**
19 **supervision of the juvenile court for purposes of placement.**".
- 20 Page 3, delete line 5.

1 Page 3, line 6, strike "who".

2 Page 3, line 6, delete "satisfies the conditions set forth in subsection
3 (b).".

4 Page 3, line 33, delete "IC 31-28-5-1;" and insert "**IC 31-28-5.7-1;**".

5 Page 4, line 5, delete "IC 31-28-5-1;" and insert "**IC 31-28-5.7-1;**".

6 Page 4, between lines 15 and 16, begin a new paragraph and insert:

7 "SECTION 6. IC 31-9-2-130.3 IS ADDED TO THE INDIANA
8 CODE AS A NEW SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2008]: **Sec. 130.3. "Transitional services
10 plan", for purposes of IC 31-25-2-21, has the meaning set forth in
11 IC 31-25-2-21(a).**

12 SECTION 7. IC 31-25-2-21 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2008]: **Sec. 21. (a) As used in this section, "transitional services
15 plan" means a plan that provides information concerning the
16 following to an individual described in subsection (b):**

17 **(1) Education.**

18 **(2) Employment.**

19 **(3) Housing.**

20 **(4) Health care.**

21 **(5) Development of problem solving skills.**

22 **(6) Available local, state, and federal financial assistance.**

23 **(b) The department shall implement a program that provides a
24 transitional services plan to the following individuals:**

25 **(1) An individual who has become or will become:**

26 **(A) eighteen (18) years of age; or**

27 **(B) emancipated;**

28 **while receiving foster care.**

29 **(2) An individual who:**

30 **(A) is at least eighteen (18) but less than twenty-one (21)
31 years of age; and**

32 **(B) is receiving foster care for older youth under
33 IC 31-28-5.7.**

34 **(c) The department shall adopt rules under IC 4-22-2 necessary
35 to implement the program described in this section.**

36 SECTION 8. IC 31-27-4-2, AS ADDED BY P.L.145-2006,
37 SECTION 273, IS AMENDED TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2008]: **Sec. 2. (a) A person may not operate a**

1 therapeutic foster family home without a license issued under this
2 article.

3 (b) The state or a political subdivision of the state may not operate
4 a therapeutic foster family home without a license issued under this
5 article.

6 (c) The department may issue a license only for a therapeutic foster
7 family home that meets:

8 (1) all the licensing requirements of a foster family home; and

9 (2) the additional requirements described in this section.

10 (d) An applicant for a therapeutic foster family home license must
11 do the following:

12 (1) Be licensed as a foster parent under 465 IAC 2-1-1 et seq.

13 (2) Participate in preservice training that includes:

14 (A) preservice training to be licensed as a foster parent under
15 465 IAC 2-1-1 et seq.; and

16 (B) additional preservice training in therapeutic foster care.

17 (e) A person who is issued a license to operate a therapeutic foster
18 family home shall, within one (1) year after meeting the training
19 requirements of subsection (d)(2) and, annually thereafter, participate
20 in training that includes:

21 (1) training as required in order to be licensed as a foster parent
22 under 465 IAC 2-1-1 et seq.; and

23 (2) additional training in order to be licensed as a therapeutic
24 foster parent under this chapter.

25 (f) An operator of a therapeutic foster family home may not provide
26 supervision and care in a therapeutic foster family home to more than
27 two (2) foster children at the same time, not including the children for
28 whom the applicant or operator is a parent, stepparent, guardian,
29 custodian, or other relative. The department may grant an exception to
30 this subsection whenever the placement of siblings in the same
31 therapeutic foster family home is desirable or in the best interests of the
32 foster children residing in the home.

33 (g) **A therapeutic foster family home may provide care for an**
34 **individual receiving foster care for older youth under**
35 **IC 31-28-5.7-1 if the individual is no longer under the care and**
36 **supervision of a juvenile court.**

37 (h) The department shall adopt rules under IC 4-22-2 necessary to
38 carry out this section, including rules governing the number of hours

1 of training required under subsections (d) and (e)."

2 Page 5, line 13, delete "IC 31-28-5" and insert "**IC 31-28-5.7**".

3 Page 5, line 24, after "(i)" insert "**A special needs foster family**
 4 **home may provide care for an individual receiving foster care for**
 5 **older youth under IC 31-28-5.7-1 if the individual is no longer**
 6 **under the care and supervision of a juvenile court.**

7 **(j)**".

8 Page 6, line 3, delete "IC 31-28-5" and insert "**IC 31-28-5.7**".

9 Page 6, line 6, delete "IC 31-28-5" and insert "IC 31-28-5.7".

10 Page 6, line 9, delete "5." and insert "**5.7**".

11 Page 6, line 13, after "care" insert "**under a court order**".

12 Page 6, line 13, delete "when" and insert "**the month before**".

13 Page 6, line 13, delete "was less than" and insert "**became**".

14 Page 6, line 15, delete "choose" and insert "**petition a court**".

15 Page 6, line 16, delete "age" and insert "**age. A court shall grant**
 16 **the petition**".

17 Page 6, line 16, delete "working or" and insert "**employed,**".

18 Page 6, line 17, delete "is".

19 Page 6, line 17, delete "program." and insert "**certification or**
 20 **degree program, or is planning on attending a vocational or**
 21 **educational certification or degree program within six (6) months**
 22 **of the individual's eighteenth birthday.**".

23 Page 6, after line 21, begin a new paragraph and insert:

24 "SECTION 14. IC 31-28-6 IS ADDED TO THE INDIANA CODE
 25 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2008]:

27 **Chapter 6. Interstate Compact for the Placement of Children**

28 **Sec. 1. Subject to IC 31-28-4-1.5, the interstate compact for the**
 29 **placement of children is enacted into law under this chapter and**
 30 **entered into with all other jurisdictions legally joining the compact**
 31 **in a form consistent with the compact terms and provisions as**
 32 **stated in this section in a form substantially as follows:**

33 **ARTICLE 1. PURPOSE**

34 **The purpose of this interstate compact for the placement of**
 35 **children is to:**

36 **(1) Provide a process through which children subject to this**
 37 **compact are placed in safe and suitable homes in a timely**
 38 **manner.**

1 (2) Facilitate ongoing supervision of a placement, the delivery
2 of services, and communication between the states.

3 (3) Provide operating procedures that will ensure that children
4 are placed in safe and suitable homes in a timely manner.

5 (4) Provide for the adoption and enforcement of administrative
6 rules implementing the provisions of this compact and
7 regulating the covered activities of the member states.

8 (5) Provide for uniform data collection and information sharing
9 between member states under this compact.

10 (6) Promote coordination between this compact, the Interstate
11 Compact for Juveniles, the Interstate Compact on Adoption
12 and Medical Assistance, and other compacts that affect the
13 placement of and that provide services to children otherwise
14 subject to this compact.

15 (7) Provide for a state's continuing legal jurisdiction and
16 responsibility for placement and care of a child that it would
17 have had if the placement were intrastate.

18 (8) Provide for the promulgation of guidelines, in collaboration
19 with Indian tribes, for interstate cases involving Indian children
20 as is or may be permitted by federal law.

21 **ARTICLE II. DEFINITIONS**

22 **As used in this compact:**

23 (1) "Approved placement" means the public child placing
24 agency in the receiving state has determined that the placement
25 is both safe and suitable for the child.

26 (2) "Assessment" means an evaluation of a prospective
27 placement by a public child placing agency to determine
28 whether the placement meets the individualized needs of the
29 child, including the child's safety and stability, health and
30 well-being, and mental, emotional, and physical development.
31 An assessment is applicable only to a placement by a public
32 child placing agency.

33 (3) "Certification" means to attest, declare, or swear to before
34 a judge or notary public.

35 (4) "Child" means an individual who is less than eighteen (18)
36 years of age.

37 (5) "Default" means the failure of a member state to perform
38 the obligations or responsibilities imposed upon it by this

compact or by the bylaws or rules of the interstate commission.

(6) "Home study" means an evaluation of a home environment that is conducted in accordance with the applicable requirements of the state in which the home is located and that documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located.

(7) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3(c) of the Alaska Native Claims settlement Act, 43 U.S.C. 1602(c).

(8) "Interstate commission for the placement of children" means the commission that is created under Article VIII of this compact and that is generally referred to as "the interstate commission".

(9) "Jurisdiction" means the power and authority of a court to hear and decide matters.

(10) "Legal risk adoption" means a placement made preliminary to an adoption in which the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until all required consents are obtained or are dispensed with in accordance with applicable law.

(11) "Legal risk placement" means legal risk adoption.

(12) "Member state" means a state that has enacted this compact.

(13) "Noncustodial parent" means a person who, at the time of the commencement of court proceedings in the sending state, does not have sole legal custody of the child or has joint legal custody of a child, and who is not the subject of allegations or findings of child abuse or neglect.

(14) "Nonmember state" means a state that has not enacted this compact.

(15) "Notice of residential placement" means information

1 regarding a placement into a residential facility that is provided
2 to the receiving state, including, but not limited to, the name of
3 the child, the date and place of birth of the child, the identity
4 and address of the parent or legal guardian, evidence of
5 authority to make the placement, and the name and address of
6 the facility in which the child will be placed. The term also
7 includes information regarding a discharge and any
8 unauthorized absence from the facility.

9 (16) "Placement" means the act by a public or private child
10 placing agency intended to arrange for the care or custody of a
11 child in another state.

12 (17) "Private child placing agency" means any private
13 corporation, agency, foundation, institution, or charitable
14 organization, or any private person or attorney, that facilitates,
15 causes, or is involved in the placement of a child from one (1)
16 state to another and that is not an instrumentality of the state
17 or acting under color of state law.

18 (18) "Provisional placement" means a determination made by
19 the public child placing agency in the receiving state that the
20 receiving state has determined that the proposed placement is
21 safe and suitable, and, to the extent allowable, the receiving
22 state has temporarily waived its standards or requirements
23 otherwise applicable to prospective foster or adoptive parents
24 so as not to delay the placement. Completion of the receiving
25 state requirements regarding training for prospective foster or
26 adoptive parents shall not delay an otherwise safe and suitable
27 placement.

28 (19) "Public child placing agency" means any government child
29 welfare agency or child protection agency, or a private entity
30 under contract with such an agency, regardless of whether the
31 agency or entity acts on behalf of a state, county, municipality,
32 or other governmental unit, that facilitates, causes, or is
33 involved in the placement of a child from one (1) state to
34 another.

35 (20) "Receiving state" means the state to which a child is sent,
36 brought, or caused to be sent or brought.

37 (21) "Relative" means someone who is related to the child as a
38 parent, stepparent, sibling by half or whole blood or by

1 adoption, grandparent, aunt, uncle, or first cousin, or a
2 nonrelative with such significant ties to the child that they may
3 be regarded as relatives as determined by the court in the
4 sending state.

5 (22) "Residential facility" means a facility providing a level of
6 care that is sufficient to substitute for parental responsibility or
7 foster care and is beyond what is needed for assessment or
8 treatment of an acute condition. For purposes of the compact,
9 residential facilities do not include institutions that are
10 primarily educational in character, hospitals, or other medical
11 facilities.

12 (23) "Rule" means a written directive, mandate, standard, or
13 principle that is issued by the interstate commission and
14 promulgated under Article XI of this compact, that is of general
15 applicability, and that implements, interprets or prescribes a
16 policy or provision of the compact. A rule has the force and
17 effect of an administrative rule in a member state, and includes
18 the amendment, repeal, or suspension of an existing rule.

19 (24) "Sending state" means the state from which the placement
20 of a child is initiated.

21 (25) "Service member's permanent duty station" means the
22 military installation where an active duty armed services
23 member is currently assigned and is physically located under
24 competent orders that do not specify the duty as temporary.

25 (26) "Service member's state of legal residence" means the state
26 in which the active duty armed services member is considered
27 a resident for tax and voting purposes.

28 (27) "State" means a state of the United States, the District of
29 Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin
30 Islands, Guam, American Samoa, the Northern Marianas
31 Islands, or any other territory of the United States.

32 (28) "State court" means a judicial body of a state that is vested
33 by law with responsibility for adjudicating cases involving
34 abuse, neglect, deprivation, delinquency, or status offenses of
35 individuals less than eighteen (18) years of age.

36 (29) "Supervision" means monitoring provided by the receiving
37 state once a child has been placed in a receiving state under this
38 compact.

ARTICLE III. APPLICABILITY

(a) Except as otherwise provided in subsection (b), this compact applies to the following:

(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state. However, the placement of such a child into a residential facility requires only notice of residential placement to the receiving state before placement.

(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(A) the child is being placed in a residential facility in another member state and is not covered under another compact; or

(B) the child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(b) The provisions of this compact do not apply to the following:

(1) The interstate placement of a child with a nonrelative in a receiving state by a parent with the legal authority to make such a placement; however, the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child by one (1) relative with the lawful authority to make such a placement directly with a relative in a receiving state.

(3) The placement of a child not subject to subsection (a) into a residential facility by the child's parent.

(4) The placement of a child with a noncustodial parent if:

(A) the noncustodial parent proves to the satisfaction of a court in the sending state a substantial relationship with the child;

(B) the court in the sending state makes a written finding that placement with the noncustodial parent is in the best

1 interests of the child; and

2 (C) the court in the sending state dismisses its jurisdiction
3 over the child's case.

4 (5) A child entering the United States from a foreign country
5 for the purpose of adoption or leaving the United States to go to
6 a foreign country for the purpose of adoption in that country.

7 (6) Cases in which a United States citizen child living overseas
8 with the child's family, at least one (1) member of which is in
9 the United States armed services and is stationed overseas, is
10 removed and placed in a state.

11 (7) The sending of a child by a public child placing agency or a
12 private child placing agency for a visit as defined by the rules
13 of the interstate commission.

14 (c) For purposes of determining the applicability of this compact
15 to the placement of a child with a family having a member in the
16 United States armed services, the public child placing agency or
17 private child placing agency may choose the state of the service
18 member's permanent duty station or the service member's declared
19 legal residence.

20 (d) This compact shall not be construed to prohibit the
21 concurrent application of the provisions of this compact with other
22 applicable interstate compacts, including the interstate compact for
23 juveniles and the interstate compact on adoption and medical
24 assistance. The interstate commission may, in cooperation with other
25 interstate compact commissions having responsibility for the
26 interstate movement, placement, or transfer of children, promulgate
27 like rules to ensure the coordination of services, the timely placement
28 of children, and the reduction of unnecessary or duplicative
29 administrative or procedural requirements.

30 ARTICLE IV. JURISDICTION

31 (a) Except as provided in subsection (g) concerning private and
32 independent adoptions, the sending state retains jurisdiction over a
33 child with respect to all matters of custody and disposition of the
34 child which it would have had if the child had remained in the
35 sending state. Jurisdiction also includes the power to order the
36 return of the child to the sending state.

37 (b) When an issue of child protection or custody is brought before
38 a court in the receiving state, the court shall confer with the court of

1 the sending state to determine the most appropriate forum for
2 adjudication.

3 (c) In accordance with its own laws, the court in the sending state
4 shall have authority to terminate its jurisdiction if:

5 (1) the parent with whom the child is reunified in the receiving
6 state is the subject of allegations or findings of abuse or neglect,
7 but only with the concurrence of the public child placing agency
8 in the receiving state;

9 (2) the child is adopted;

10 (3) the child reaches the age of majority under the laws of the
11 sending state;

12 (4) the child achieves legal independence under the laws of the
13 sending state;

14 (5) a guardianship is created by a court in the receiving state
15 with the concurrence of the court in the sending state;

16 (6) an Indian tribe has petitioned for and received jurisdiction
17 from the court in the sending state; or

18 (7) the public child placing agency of the sending state requests
19 termination and has obtained the concurrence of the public
20 child placing agency in the receiving state.

21 (d) When a sending state court terminates its jurisdiction, the
22 receiving state child placing agency shall be notified.

23 (e) Nothing in this article shall defeat a claim of jurisdiction by a
24 receiving state court sufficient to deal with an act of truancy,
25 delinquency, crime, or behavior that involves a child as defined by
26 the laws of the receiving state, that is committed by the child in the
27 receiving state, and that would be a violation of the laws of the
28 receiving state.

29 (f) This article does not limit the receiving state's ability to take
30 emergency jurisdiction for the protection of the child.

31 (g) The substantive laws of the state in which an adoption will be
32 finalized shall solely govern all issues relating to the adoption of the
33 child and the court in which the adoption proceeding is filed shall
34 have subject matter jurisdiction regarding all substantive issues
35 relating to the adoption, except:

36 (1) when the child is a ward of another court that established
37 jurisdiction over the child prior to the placement;

38 (2) when the child is in the legal custody of a public agency in

1 the sending state; or

2 (3) when a court in the sending state has otherwise
3 appropriately assumed jurisdiction over the child, prior to the
4 submission of the request for approval of placement.

5 (h) A final decree of adoption shall not be entered in any
6 jurisdiction until the placement is authorized as an approved
7 placement by the public child placing agency in the receiving state.

8 **ARTICLE V. PLACEMENT EVALUATION**

9 (a) Before sending, bringing, or causing a child to be sent or
10 brought into a receiving state, the public child placing agency shall
11 provide a written request for assessment to the receiving state.

12 (b) For placements by a private child placing agency, a child may
13 be sent or brought, or caused to be sent or brought, into a receiving
14 state upon receipt and review of the required content in a request for
15 approval of a placement by both the sending state's and the receiving
16 state's public child placing agency. The required content for a
17 request for provisional approval shall include all of following:

18 (1) A request for approval identifying the child, the birth
19 parent(s), the prospective adoptive parent(s), and the
20 supervising agency, signed by the person requesting approval.

21 (2) Certification by a licensed attorney or other authorized
22 agent that the consent or relinquishment is in compliance with
23 the applicable laws of the sending state, or where permitted the
24 laws of the state where finalization of the adoption will occur.

25 (3) A home study.

26 (4) An acknowledgment of legal risk signed by the prospective
27 adoptive parents.

28 (c) The sending state and the receiving state may request
29 additional information or documents before finalization of an
30 approved placement, but they may not delay travel by the
31 prospective adoptive parents with the child if the required content
32 for approval has been submitted and has been received and reviewed
33 by the public child placing agency in both the sending state and the
34 receiving state.

35 (d) Approval from the public child placing agency in the receiving
36 state for a provisional or approved placement is required as
37 provided for in the rules of the interstate commission.

38 (e) The procedures for making and the request for an assessment

1 shall contain all information and be in such form as provided for in
2 the rules of the interstate commission.

3 (f) Upon receipt of a request from the public child welfare agency
4 of the sending state, the receiving state shall initiate an assessment of
5 the proposed placement to determine its safety and suitability. If the
6 proposed placement is a placement with a relative, the public child
7 placing agency of the sending state may request a determination of
8 whether the placement qualifies as a provisional placement.

9 (g) Upon receipt of a request from the public child placing agency
10 of the sending state, the receiving state shall initiate an assessment of
11 the proposed placement to determine its safety and suitability. If the
12 proposed placement is a placement with a relative, the public child
13 placing agency of the sending state may request a determination for
14 a provisional placement.

15 (h) The public child placing agency in the receiving state may
16 request from the public child placing agency or the private child
17 placing agency in the sending state, and shall be entitled to receive,
18 supporting or additional information necessary to complete the
19 assessment.

20 (i) The public child placing agency in the receiving state shall
21 approve a provisional placement and complete or arrange for the
22 completion of the assessment within the timeframes established by
23 the rules of the interstate commission.

24 (j) For a placement by a private child placing agency, the sending
25 state shall not impose any additional requirements to complete the
26 home study that are not required by the receiving state, unless the
27 adoption is finalized in the sending state.

28 (k) The interstate commission may develop uniform standards for
29 the assessment of the safety and suitability of interstate placements.

30 ARTICLE VI. PLACEMENT AUTHORITY

31 (a) Except as otherwise provided in this Compact, no child subject
32 to this compact shall be placed into a receiving state until approval
33 for such placement is obtained.

34 (b) If the public child placing agency in the receiving state does
35 not approve the proposed placement, the child shall not be placed.
36 The receiving state shall provide written documentation of any such
37 determination in accordance with the rules promulgated by the
38 interstate commission. Such a determination is not subject to judicial

1 review in the sending state.

2 (c) If the proposed placement is not approved, any interested
3 party shall have standing to seek an administrative review of the
4 receiving state's determination.

5 (d) The administrative review and any further judicial review
6 associated with the determination shall be conducted in the receiving
7 state under its applicable administrative procedures.

8 (e) If a determination not to approve the placement of the child in
9 the receiving state is overturned upon review, the placement shall be
10 considered approved; however, all administrative or judicial
11 remedies must be exhausted or the time for such remedies must have
12 passed.

13 ARTICLE VII. PLACING AGENCY RESPONSIBILITY

14 (a) For the interstate placement of a child made by a public child
15 placing agency or state court:

16 (1) the public child placing agency in the sending state shall
17 have financial responsibility for:

18 (A) the ongoing support and maintenance for the child
19 during the period of the placement, unless otherwise
20 provided for in the receiving state; and

21 (B) as determined by the public child placing agency in the
22 sending state, services for the child beyond the public
23 services for which the child is eligible in the receiving state;

24 (2) the receiving state shall have financial responsibility only
25 for:

26 (A) any assessment conducted by the receiving state; and

27 (B) supervision conducted by the receiving state at the level
28 necessary to support the placement as agreed upon by the
29 public child placing agencies of the receiving and sending
30 states; and

31 (3) nothing in this compact prohibits public child placing
32 agencies in the sending state from entering into agreements
33 with licensed agencies or persons in the receiving state to
34 conduct assessments and provide supervision.

35 (b) For the placement of a child by a private child placing agency
36 preliminary to a possible adoption, the private child placing agency
37 shall be:

38 (1) legally responsible for the child during the period of

1 placement as provided for in the law of the sending state until
2 the finalization of the adoption; and

3 (2) financially responsible for the child absent a contractual
4 agreement to the contrary.

5 (c) A private child placing agency shall be responsible for any
6 assessment conducted in the receiving state and any supervision
7 conducted by the receiving state at the level required by the laws of
8 the receiving state or the rules of the interstate commission.

9 (d) The public child placing agency in the receiving state shall
10 provide timely assessments, as provided for in the rules of the
11 interstate commission.

12 (e) The public child placing agency in the receiving state shall
13 provide, or arrange for the provision of, supervision and services for
14 the child, including timely reports, during the period of the
15 placement.

16 (f) This compact does not limit the authority of the public child
17 placing agency in the receiving state to contract with a licensed
18 agency or person in the receiving state for an assessment or the
19 provision of supervision or services for the child or otherwise
20 authorize the provision of supervision or services by a licensed
21 agency during the period of placement.

22 (g) Each member state shall provide for coordination among its
23 branches of government concerning the state's participation in, and
24 compliance with, the compact and interstate commission activities,
25 through the creation of an advisory council or use of an existing body
26 or board.

27 (h) Each member state shall establish a central state compact
28 office, which shall be responsible for state compliance with the
29 compact and the rules of the interstate commission.

30 (i) The public child placing agency in the sending state shall
31 oversee compliance with the provisions of the Indian Child Welfare
32 Act (25 U.S.C. 1901 et seq.) for placements subject to the provisions
33 of this compact, before placement.

34 (j) With the consent of the interstate commission, states may enter
35 into limited agreements that facilitate the timely assessment and
36 provision of services and supervision of placements under this
37 compact.

38 **ARTICLE VIII. INTERSTATE COMMISSION FOR THE**

PLACEMENT OF CHILDREN

The member states hereby establish, by way of this compact, a commission known as the "interstate commission for the placement of children". The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission:

(1) is a joint commission of the member states and shall have the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states;

(2) consists of one (1) commissioner from each member state, who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program, and who shall have the legal authority to vote on policy related matters governed by this compact binding the state;

(3) operates under the following requirements:

(A) a requirement that each member state represented at a meeting of the interstate commission is entitled to one (1) vote;

(B) a requirement that a majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission;

(C) a requirement that a representative shall not delegate a vote to another member state;

(D) a requirement that a representative may delegate voting authority to another person from the same member state for a specified meeting; and

(E) a requirement that the interstate commission shall include, in addition to the commissioners of each member state, persons who are members of interested organizations as defined in the bylaws or rules of the interstate commission and who shall be ex officio and shall not be entitled to vote on any matter before the interstate commission; and

(4) shall establish an executive committee which shall have the authority to administer the day to day operations and

1 administration of the interstate commission but does not have
 2 the power to engage in rulemaking.

3 **ARTICLE IX. POWERS AND DUTIES OF THE INTERSTATE**
 4 **COMMISSION**

5 **The interstate commission has powers to do the following:**

- 6 (1) **Promulgate rules and take all necessary actions to effect the**
 7 **goals, purposes, and obligations as enumerated in this compact.**
- 8 (2) **Provide for dispute resolution among member states.**
- 9 (3) **Issue, upon request of a member state, advisory opinions**
 10 **concerning the meaning or interpretation of the interstate**
 11 **compact, its bylaws, rules, or actions.**
- 12 (4) **Enforce compliance with this compact or the bylaws or rules**
 13 **of the interstate commission under Article XII.**
- 14 (5) **Collect standardized data concerning the interstate**
 15 **placement of children subject to this compact as directed**
 16 **through its rules, which shall specify the data to be collected,**
 17 **the means of collection and data exchange, and reporting**
 18 **requirements.**
- 19 (6) **Establish and maintain offices as may be necessary for the**
 20 **transacting of its business.**
- 21 (7) **Purchase and maintain insurance and bonds.**
- 22 (8) **Hire or contract for services of personnel or consultants as**
 23 **necessary to carry out its functions under the compact and**
 24 **establish personnel qualification policies and rates of**
 25 **compensation.**
- 26 (9) **Establish and appoint committees and officers, including,**
 27 **but not limited to, an executive committee as required by**
 28 **Article X.**
- 29 (10) **Accept any and all donations and grants of money,**
 30 **equipment, supplies, materials, and services, and receive, use,**
 31 **and dispose of the donations and grants.**
- 32 (11) **Lease, purchase, accept contributions or donations of, or**
 33 **otherwise own, hold, improve, or use any property, whether**
 34 **real, personal, or mixed.**
- 35 (12) **Sell, convey, mortgage, pledge, lease, exchange, abandon,**
 36 **or otherwise dispose of any property, whether real, personal, or**
 37 **mixed.**
- 38 (13) **Establish a budget and make expenditures.**

1 **(14) Adopt a seal and bylaws governing the management and**
2 **operation of the interstate commission.**

3 **(15) Report annually to the legislatures, the governors, the**
4 **judiciary, and the state advisory councils of the member states**
5 **concerning the activities of the interstate commission during the**
6 **preceding year. Such reports shall also include any**
7 **recommendations that may have been adopted by the interstate**
8 **commission.**

9 **(16) Coordinate and provide education, training, and public**
10 **awareness regarding the interstate movement of children for**
11 **officials involved in such activity.**

12 **(17) Maintain books and records in accordance with the bylaws**
13 **of the interstate commission.**

14 **(18) Perform such functions as may be necessary or**
15 **appropriate to achieve the purposes of this compact.**

16 **ARTICLE X. ORGANIZATION AND OPERATION OF THE**
17 **INTERSTATE COMMISSION**

18 **(a) Bylaws.**

19 **(1) Within twelve (12) months after the first interstate**
20 **commission meeting, the interstate commission shall adopt**
21 **bylaws to govern its conduct as may be necessary or**
22 **appropriate to carry out the purposes of this compact.**

23 **(2) The interstate commission's bylaws and rules shall establish**
24 **conditions and procedures under which the interstate**
25 **commission shall make its information and official records**
26 **available to the public for inspection or copying. The interstate**
27 **commission may exempt from disclosure information or official**
28 **records to the extent they would adversely affect personal**
29 **privacy rights or proprietary interests.**

30 **(b) Meetings.**

31 **(1) The interstate commission shall meet at least once each**
32 **calendar year. The chairperson may call additional meetings**
33 **and, upon the request of a simple majority of the member**
34 **states, shall call additional meetings.**

35 **(2) Public notice shall be given by the interstate commission of**
36 **all meetings, and all meetings shall be open to the public, except**
37 **as set forth in the rules or as otherwise provided in the compact.**

38 **The interstate commission and its committees may close a**

meeting, or part of a meeting, where it determines by two-thirds (2/3) vote that an open meeting would be likely to:

(A) relate solely to the interstate commission's internal personnel practices and procedures;

(B) disclose matters specifically exempted from disclosure by federal law;

(C) disclose financial or commercial information which is privileged, proprietary, or confidential in nature;

(D) involve accusing a person of a crime, or formally censuring a person;

(E) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy or physically endanger one (1) or more persons;

(F) disclose investigative records compiled for law enforcement purposes; or

(G) specifically relate to the interstate commission's participation in a civil action or other legal proceeding.

(3) For a meeting, or part of a meeting, closed under this provision, the interstate commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemption provision. The interstate commission shall keep minutes that shall fully and clearly describe all matters discussed in the meeting and shall provide a full and accurate summary of actions taken and the reasons for the actions, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission or by court order.

(4) The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or other electronic communication.

(c) Officers and staff.

(1) The interstate commission may, through its executive committee, appoint or retain a staff director for such period, upon such terms and conditions, and for such compensation as

1 the interstate commission may consider appropriate. The staff
2 director shall serve as secretary to the interstate commission,
3 but shall not have a vote. The staff director may hire and
4 supervise such other staff as may be authorized by the
5 interstate commission.

6 (2) The interstate commission shall elect, from among its
7 members, a chairperson and a vice chairperson of the executive
8 committee and other necessary officers, each of whom shall
9 have such authority and duties as may be specified in the
10 bylaws.

11 (d) Qualified immunity, defense, and indemnification.

12 (1) The interstate commission's staff director and the employees
13 of the commission are immune from suit and liability, either
14 personally or in official capacity, for a claim for damage to or
15 loss of property or personal injury or other civil liability caused
16 or arising out of or relating to any actual or alleged act, error,
17 or omission that occurred, or that the staff director or employee
18 had a reasonable basis for believing occurred, within the scope
19 of commission employment, duties, or responsibilities. The staff
20 director or an employee is not protected from suit or liability
21 for damage, loss, injury, or liability caused by a criminal act or
22 intentional or willful and wanton misconduct.

23 (2) The liability of the interstate commission's staff director and
24 employees or interstate commission representatives, acting
25 within the scope of such person's employment or duties, for
26 acts, errors, or omissions occurring within such person's state,
27 may not exceed the limits of liability set forth under the
28 Constitution and laws of that state for state officials, employees,
29 and agents. The interstate commission is considered to be an
30 instrumentality of the states for the purposes of any such
31 action. Nothing in this subsection shall be construed to protect
32 such person from suit or liability for damage, loss, injury, or
33 liability caused by a criminal act or the intentional or willful
34 and wanton misconduct of such person.

35 (3) The interstate commission shall defend the staff director and
36 its employees and, subject to the approval of the attorney
37 general or other appropriate legal counsel of the member state,
38 shall defend the commissioner of a member state in a civil

1 action seeking to impose liability arising out of an actual or
 2 alleged act, error, or omission that occurred within the scope of
 3 interstate commission employment, duties, or responsibilities,
 4 or that the defendant had a reasonable basis for believing
 5 occurred within the scope of interstate commission
 6 employment, duties, or responsibilities, if the actual or alleged
 7 act, error, or omission did not result from intentional or willful
 8 and wanton misconduct on the part of such person.

9 (4) To the extent not covered by the state involved, member
 10 state, or the interstate commission, the representatives or
 11 employees of the interstate commission shall be held harmless
 12 in the amount of a settlement or judgment, including attorney's
 13 fees and costs, obtained against such persons arising out of an
 14 actual or alleged act, error, or omission that occurred within
 15 the scope of interstate commission employment, duties, or
 16 responsibilities, or that such persons had a reasonable basis for
 17 believing occurred within the scope of interstate commission
 18 employment, duties, or responsibilities, if the actual or alleged
 19 act, error, or omission did not result from intentional or willful
 20 and wanton misconduct on the part of such persons.

21 **ARTICLE XI. RULEMAKING FUNCTIONS OF THE** 22 **INTERSTATE COMMISSION**

23 (a) The interstate commission shall promulgate and publish rules
 24 in order effectively and efficiently to achieve the purposes of the
 25 compact.

26 (b) Rulemaking shall occur under the criteria set forth in this
 27 article and the bylaws and rules adopted pursuant thereto. Such
 28 rulemaking shall substantially conform to the principles of the
 29 "Model State Administrative Procedures Act," 1981 Act, Uniform
 30 Laws Annotated, Vol. 15, p. 1 (2000), or such other administrative
 31 procedure acts as the interstate commission considers appropriate
 32 and consistent with due process requirements under the United
 33 States Constitution as now or hereafter interpreted by the United
 34 States Supreme Court. All rules and amendments shall become
 35 binding as of the date specified, as published with the final version of
 36 the rule as approved by the interstate commission.

37 (c) When promulgating a rule, the interstate commission shall, at
 38 a minimum:

1 (1) publish the proposed rule's entire text, stating the reasons
2 for that proposed rule;

3 (2) allow and invite any and all persons to submit written data,
4 facts, opinions, and arguments, which information shall be
5 added to the record and be made publicly available; and

6 (3) promulgate a final rule and its effective date, if appropriate,
7 based on input from state or local officials or interested parties.

8 (d) Rules promulgated by the interstate commission shall have the
9 force and effect of administrative rules and shall be binding in the
10 compacting states to the extent and in the manner provided for in
11 this compact.

12 (e) Not later than sixty (60) days after a rule is promulgated, an
13 interested person may file a petition in the U.S. District Court for the
14 District of Columbia or in the federal district court of the district
15 where the interstate commission's principal office is located for
16 judicial review of such rule. If the court finds that the interstate
17 commission's action is not supported by substantial evidence in the
18 rulemaking record, the court shall hold the rule unlawful and set it
19 aside.

20 (f) A majority of the legislatures of the member states may reject
21 a rule by enacting, in the same manner used to adopt the compact, a
22 statute or resolution which provides that the rule shall have no
23 further force and effect in any member state.

24 (g) The existing rules governing the operation of the interstate
25 compact on the placement of children that are superseded by this act
26 shall be null and void no less than twelve (12), but no more than
27 twenty-four (24), months after the first meeting of the interstate
28 commission created hereunder, as determined by the members
29 during the first meeting.

30 (h) Within the first twelve (12) months of operation, the interstate
31 commission shall promulgate rules addressing the following:

32 (1) Transition rules.

33 (2) Forms and procedures.

34 (3) Time lines.

35 (4) Data collection and reporting.

36 (5) Rulemaking.

37 (6) Visitation.

38 (7) Progress reports/supervision.

- (8) Sharing of information/confidentiality.**
- (9) Financing of the interstate commission.**
- (10) Mediation, arbitration, and dispute resolution.**
- (11) Education, training, and technical assistance.**
- (12) Enforcement.**
- (13) Coordination with other interstate compacts.**

(i) Upon determination by a majority of the members of the interstate commission that an emergency exists, the interstate commission may promulgate an emergency rule, subject to the following:

- (1) The interstate commission may promulgate an emergency rule only if the emergency rule is required to:**
 - (A) protect the children covered by this compact from an imminent threat to their health, safety, and well-being;**
 - (B) prevent loss of federal or state funds; or**
 - (C) meet a deadline for the promulgation of an administrative rule required by federal law.**
- (2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to the rule as soon as reasonably possible, but not later than ninety (90) days after the effective date of the emergency rule.**
- (3) An emergency rule shall be promulgated as provided for in the rules of the interstate commission.**

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

(a) Oversight.

- (1) The interstate commission shall oversee the administration and operation of the compact.**
- (2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the interstate commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall be binding in the compacting states to the extent and in the manner provided for in this compact.**
- (3) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member**

1 state pertaining to the subject matter of this compact.

2 (4) The interstate commission shall be entitled to receive service
3 of process in any action in which the validity of a compact
4 provision or rule is the issue for which a judicial determination
5 has been sought and shall have standing to intervene in any
6 proceedings. Failure to provide service of process to the
7 interstate commission shall render any judgment, order, or
8 other determination, however so captioned or classified, void as
9 to the interstate commission, this compact, its bylaws, or rules
10 of the interstate commission.

11 (b) Dispute resolution.

12 (1) The interstate commission shall attempt, upon the request
13 of a member state, to resolve disputes that are subject to the
14 compact and that may arise among member states and between
15 member and nonmember states.

16 (2) The interstate commission shall promulgate a rule providing
17 for both mediation and binding dispute resolution for disputes
18 among compacting states. The costs of such mediation or
19 dispute resolution shall be the responsibility of the parties to the
20 dispute.

21 (c) Enforcement.

22 (1) If the interstate commission determines that a member state
23 has defaulted in the performance of its obligations or
24 responsibilities under this compact, its bylaws, or rules, the
25 interstate commission may:

26 (A) provide remedial training and specific technical
27 assistance;

28 (B) provide written notice to the defaulting state and other
29 member states of the nature of the default and the means of
30 curing the default. The interstate commission shall specify
31 the conditions by which the defaulting state must cure its
32 default;

33 (C) by majority vote of the members, initiate against a
34 defaulting member state legal action in the United States
35 District Court for the District of Columbia or, at the
36 discretion of the interstate commission, in the federal district
37 where the interstate commission has its principal office, to
38 enforce compliance with the provisions of the compact, its

1 bylaws, or rules. The relief sought may include both
2 injunctive relief and damages. If judicial enforcement is
3 necessary, the prevailing party shall be awarded all costs of
4 such litigation, including reasonable attorney's fees; or
5 (D) avail itself of any other remedies available under state
6 law or the rules relating to the regulation of official or
7 professional conduct.

8 **ARTICLE XIII. FINANCING OF THE COMMISSION**

9 (a) The interstate commission shall pay or provide for the
10 payment of the reasonable expenses of its establishment,
11 organization, and ongoing activities.

12 (b) The interstate commission may levy on and collect an annual
13 assessment from each member state to cover the cost of the
14 operations and activities of the interstate commission and its staff,
15 which must be in a total amount sufficient to cover the interstate
16 commission's annual budget as approved by its members each year.
17 The aggregate annual assessment amount shall be allocated based
18 upon a formula to be determined by the interstate commission,
19 which shall promulgate a rule binding upon all member states.

20 (c) The interstate commission shall not incur obligations of any
21 kind before securing the funds adequate to meet the obligations. The
22 interstate commission shall not pledge the credit of any of the
23 member states, except by and with the authority of the member state.

24 (d) The interstate commission shall keep accurate accounts of all
25 receipts and disbursements. The receipts and disbursements of the
26 interstate commission shall be subject to the audit and accounting
27 procedures established under its bylaws. However, all receipts and
28 disbursements of funds handled by the interstate commission shall
29 be audited yearly by a certified or licensed public accountant, and
30 the report of the audit shall be included in and become part of the
31 annual report of the interstate commission.

32 **ARTICLE XIV. MEMBER STATES, AMENDMENT**

33 (a) Any state is eligible to become a member state.

34 (b) The compact shall become effective and binding upon
35 legislative enactment of the compact into law by thirty-five (35)
36 states. The effective date shall be the later of July 1, 2007, or upon
37 enactment of the compact into law by the thirty-fifth state.
38 Thereafter it shall become effective and binding as to any other

1 member state upon enactment of the compact into law by that state.
 2 The executive heads of the state human services administration with
 3 ultimate responsibility for the child welfare program of nonmember
 4 states or their designees shall be invited to participate in the activities
 5 of the interstate commission on a non-voting basis before adoption
 6 of the compact by all states.

7 (c) The interstate commission may propose amendments to the
 8 compact for enactment by the member states. No amendment shall
 9 become effective and binding on the member states unless and until
 10 it is enacted into law by unanimous consent of the member states.

11 ARTICLE XV. WITHDRAWAL AND DISSOLUTION

12 (a) Withdrawal.

13 (1) Once effective, this compact continues in force and remains
 14 binding upon each and every member state. However, a
 15 member state may withdraw from the compact by specifically
 16 repealing the statute which enacted the compact into law.

17 (2) Withdrawal from this compact shall be by the enactment of
 18 a statute repealing the statute establishing the compact. The
 19 effective date of withdrawal is the effective date of the repeal of
 20 the statute.

21 (3) The withdrawing state shall immediately notify the
 22 president of the interstate commission in writing upon the
 23 introduction of legislation repealing this compact in the
 24 withdrawing state. The interstate commission shall then notify
 25 the other member states of the withdrawing state's intent to
 26 withdraw.

27 (4) The withdrawing state is responsible for all assessments,
 28 obligations, and liabilities incurred through the effective date of
 29 withdrawal.

30 (5) Reinstatement following withdrawal of a member state shall
 31 occur upon the withdrawing state reenacting the compact or
 32 upon such later date as determined by the members of the
 33 interstate commission.

34 (b) Dissolution of compact.

35 (1) This compact shall dissolve effective upon the date of the
 36 withdrawal or default of the member state which reduces the
 37 membership in the compact to one (1) member state.

38 (2) Upon the dissolution of this compact, the compact becomes

1 void and is of no further force or effect, and the business and
2 affairs of the interstate commission shall be concluded and
3 surplus funds shall be distributed in accordance with the
4 bylaws.

5 **ARTICLE XVI. SEVERABILITY AND CONSTRUCTION**

6 (a) The provisions of this compact shall be severable, and if any
7 phrase, clause, sentence, or provision is considered unenforceable,
8 the remaining provisions of the compact shall be enforceable.

9 (b) The provisions of this compact shall be liberally construed to
10 effectuate its purposes.

11 (c) Nothing in this compact shall be construed to prohibit the
12 concurrent applicability of other interstate compacts to which the
13 states are members.

14 **ARTICLE XVII. BINDING EFFECT OF COMPACT AND** 15 **OTHER LAWS**

16 (a) Other laws.

17 (1) This compact does not prevent the enforcement of any other
18 law of a member state that is not inconsistent with this compact.

19 (2) All member states' laws conflicting with this compact or its
20 rules are superseded to the extent of the conflict.

21 (b) Binding effect of this compact.

22 (1) All lawful actions of the interstate commission, including
23 all rules and bylaws promulgated by the interstate
24 commission, are binding upon the member states.

25 (2) All agreements between the interstate commission and the
26 member states are binding in accordance with their terms.

27 (3) If any provision of this compact exceeds the constitutional
28 limits imposed on the legislature of any member state, the
29 provision is ineffective to the extent of the conflict with the
30 constitutional provision in question in that member state.

31 **ARTICLE XVIII. INDIAN TRIBES**

32 Notwithstanding any other provision in this compact, the
33 interstate commission may promulgate guidelines to permit Indian
34 tribes to use the compact to achieve any or all of the purposes of
35 the compact as specified in Article I. The interstate commission
36 shall make reasonable efforts to consult with Indian tribes in
37 promulgating guidelines to reflect the diverse circumstances of the
38 various Indian tribes.

1 **Sec. 2. Financial responsibility for a child placed under the**
2 **provisions of the interstate compact for the placement of children**
3 **shall be determined in accordance with Article VII of the interstate**
4 **compact for the placement of children, as set forth in section 1 of**
5 **this chapter. However, for the partial or complete default of**
6 **performance, the provisions of IC 31-18 also may be invoked. In**
7 **any appropriate case, financial support or contribution may be**
8 **obtained by an appropriate agency in Indiana under IC 31-40 to**
9 **aid in the discharge of the financial obligations of a sending agency**
10 **that has placed a child in another state under the compact.**

11 **Sec. 3. The officers and agencies of Indiana and the subdivisions**
12 **of Indiana having authority to place children may enter into**
13 **agreements with appropriate officers or agencies of or in other**
14 **party states under Article VII of the interstate compact for the**
15 **placement of children, as set forth in section 1 of this chapter. An**
16 **agreement that contains a financial commitment or imposes a**
17 **financial obligation on Indiana or a subdivision or agency of**
18 **Indiana is not binding unless the agreement has the approval in**
19 **writing of the auditor of state in the case of the state and of the**
20 **chief local fiscal officer in the case of a subdivision of the state.**

21 **Sec. 4. A requirement for visitation, inspection, or supervision**
22 **of children, homes, institutions, or other agencies in another**
23 **member state that applies under a provision of IC 31 is considered**
24 **to be met if performed under an agreement entered into between**
25 **appropriate officers or agencies of Indiana or a subdivision of**
26 **Indiana and appropriate officers or agencies of the other member**
27 **state or a subdivision of the other member state as contemplated**
28 **by Article IV of the interstate compact for the placement of**
29 **children, as set forth in section 1 of this chapter.**

30 **Sec. 5. A court having jurisdiction to place children in a home,**
31 **a facility, or an institution may place the child in a home, a facility,**
32 **or an institution in another state under the interstate compact for**
33 **the placement of children, as set forth in section 1 of this chapter,**
34 **and shall retain jurisdiction as provided in Article IV of the**
35 **interstate compact for the placement of children, as set forth in**
36 **section 1 of this chapter.**

37 **Sec. 6. As used in Article VIII of the interstate compact for the**
38 **placement of children, as set forth in section 1 of this chapter, the**

1 term "executive head" means the director. The director may
 2 appoint a compact administrator in accordance with the terms of
 3 Article VII of the interstate compact for the placement of children,
 4 as set forth in section 1 of this chapter.

5 SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE
 6 JULY 1, 2008]: IC 12-7-2-192.7; IC 12-13-5-13.

7 SECTION 16. [EFFECTIVE JULY 1, 2008] (a) Cases involving
 8 the placement of children under the interstate compact on the
 9 placement of children set forth in IC 31-28-4 that are pending
 10 when the interstate compact for the placement of children set forth
 11 in IC 31-28-6-1, as added by this act, goes into effect under
 12 IC 31-28-4-1.5, as added by this act, are governed by the interstate
 13 compact on the placement of children set forth in IC 31-28-4.

14 (b) This SECTION expires December 31, 2013."

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1290 as reprinted January 29, 2008.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Bray

Chairperson